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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

S & J RENTALS, INC. d/b/a TWIN CITIES EQUIPMENT RENTALS, a California corporation, individually and on behalf of all others similarly situated.

Plaintiff,

V.

HILTI, INC., an Oklahoma corporation,

Defendant.

Case No.: 2:16-cv-00879-MCE-KJN

**STIPULATION AND JOINT OBJECTION
RE: INITIAL PRETRIAL SCHEDULING
ORDER; ORDER THEREON**

Assigned to Hon. Morrison C. England, Jr.
Trial Date: None Set

Pursuant to this Court’s Initial Pretrial Scheduling Order (Dkt. No. 3) and Eastern District of California Local Rule 143, Plaintiff S & J Rentals, Inc. (“Plaintiff”) and Defendant Hilti, Inc. (“Defendant”), by and through their respective counsel, hereby stipulate as follows:

STIPULATION

WHEREAS, Plaintiff filed its original Complaint on April 27, 2016 (Dkt. No. 1);

WHEREAS, Plaintiff filed its First Amended Class Action Complaint on May 9, 2016 (Dkt. No. 4);

WHEREAS, service was completed on Defendant as of May 11, 2016;

1 WHEREAS, the parties entered into and filed a Stipulation Extending Time for Defendant
2 Hilti, Inc. to Respond to Complaint on June 1, 2016 (Dkt. No. 6);

3 WHEREAS, Defendant filed a Motion to Dismiss and Motion to Strike Jury Demand
4 (Dkt. No. 8) and a Motion to Transfer (Dkt. No. 9) (together, “Motions”) on June 21, 2016;

5 WHEREAS, briefing on those Motions is not yet complete and the Motions have not yet
6 been decided by the Court;

7 WHEREAS, the Court’s decision on Defendant’s Motions will determine whether this
8 case can proceed in this Court and which state’s law applies to this case;

9 WHEREAS, the parties have not yet met and conferred pursuant to Federal Rule of Civil
10 Procedure (“Rule”) 26(f) nor have they prepared and submitted a proposed discovery plan
11 pursuant to Rule 26(f)(3);

12 WHEREAS, as part of their meet and confer process, and because this case is pending as a
13 putative class action, the parties will discuss the extent to which Rule 23 requirements may
14 impact the case schedule, including as it relates to the deadline by which Plaintiff will file its
15 motion for class certification;

16 WHEREAS, good cause exists to refrain from entering a case schedule until jurisdictional
17 and choice of law matters have been decided and until the parties have had an opportunity to meet
18 and confer and submit a proposed case schedule that accounts for class certification issues; and

19 WHEREAS, the Initial Pretrial Scheduling Order will become final without further order
20 of the Court unless objections are filed within sixty (60) days of service on all defendants.

21 NOW, THEREFORE, undersigned counsel for the parties, having met and conferred,
22 stipulate and agree as follows:

- 23 1. The deadlines set forth in the Court’s Initial Pretrial Scheduling Order will not
24 become final at this time;
- 25 2. The Court will set a status conference pursuant to Rule 16 and Eastern District of
26 California Local Rule 240 after the pending Motions have been decided; and

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3. Any Rule 26(f)(3) discovery plan shall be submitted by the parties at least fourteen (14) days prior to the status conference.

IT IS HEREBY STIPULATED.

Dated: July 7, 2016.

KERSHAW, COOK & TALLEY PC

By: /s/ Stuart C. Talley
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Dated: July 7, 2016.

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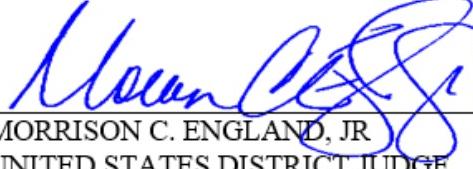
ORDER

Having reviewed the parties' stipulation, and good cause appearing, the Court's Initial Pretrial Scheduling Order (ECF No. 3) is hereby vacated. The parties are directed to file a Joint Request for Status Conference not later than fourteen (14) days after the date on which the Court's rulings on Defendant's Motion to Dismiss (ECF No. 8) and Motion to Transfer (ECF No.

1 have been electronically filed. That conference will establish a schedule for adjudicating the case
2 depending on the status of the matter at that time.

3 IT IS SO ORDERED.
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5 Dated: July 12, 2016
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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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